

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

FILED  
U.S. DISTRICT COURT

2008 AUG -7 P 1:40

EDWARD ALLAN BUCK et al.,	}	
Plaintiffs,	}	Case No. 1:07-CV-172 DB
v.	}	District Judge Dee Benson
DAVID DRAKE et al.,	}	DEPUTY CLERK
Defendants.	}	<b>ORDER</b>
		Magistrate Judge David Nuffer

Plaintiffs, Edward Allan Buck and Suzanne Hanson Hadley Buck, filed a *pro se* civil rights complaint.<sup>1</sup> They now move for service of process, preliminary injunctive relief, and special independent federal grand jury.

The Court first addresses Plaintiffs' motion for service of process. This is denied for now as the Court has yet to screen the complaint to determine its merit.

Second, the Court evaluates Plaintiffs' motion for preliminary injunctive relief. Plaintiffs have not specified adequate facts showing each of the four elements necessary to obtain a preliminary injunctive order:

"(1) a substantial likelihood of prevailing on the merits; (2) irreparable harm in the absence of the injunction; (3) proof that the threatened harm outweighs any damage the injunction may cause to the party opposing it; and (4) that the injunction, if issued will not be adverse to the public interest."<sup>2</sup>

<sup>1</sup>See 42 U.S.C.S. § 1983 (2008).

<sup>2</sup>Brown v. Callahan, 979 F. Supp. 1357, 1361 (D. Kan. 1997) (quoting Kan. Health Care Ass'n v. Kan. Dep't of Soc. and Rehab. Servs., 31 F.3d 1536, 1542 (10th Cir. 1994)).

Preliminary injunctive relief is an extraordinary and drastic remedy to be granted only when the right to relief is "clear and unequivocal."<sup>3</sup> The Court has carefully reviewed Plaintiffs' pleadings and motion for injunctive relief and concludes Plaintiffs' claims do not rise to such an elevated level that an emergency injunction is warranted. In sum, Plaintiffs have not met the heightened pleading standard required in moving for an emergency injunction. This motion is denied.

Finally, the Court denies Plaintiffs' motion to call a special independent federal grand jury and independent prosecutor from Washington, D.C. to prosecute the case in which they are involved. This is not within the Court's authority here.

IT IS HEREBY ORDERED that:

(1) Plaintiffs' motion for service of process is DENIED, (see File Entry # 5); however, if, after the case is screened, it appears that this case has merit and states a claim upon which relief may be granted, the Court may order service of process.

(2) Plaintiffs' motion for preliminary injunctive relief is DENIED. (See File Entry # 6.)

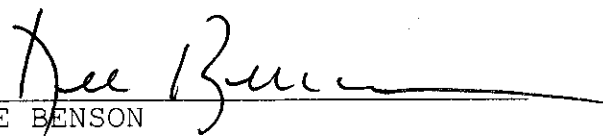
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<sup>3</sup>SCFC ILC, Inc. v. VISA USA, Inc., 936 F.2d 1096, 1098 (10th Cir. 1991).

(3) Plaintiffs' motion for a special independent federal grand jury is DENIED. (See File Entry # 7.)

DATED this 6<sup>th</sup> day of August, 2008.

BY THE COURT:

  
DEE BENSON  
United States District Judge